

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RAYMOND GAUNTT, JR.)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 05-500-GMS
)	
DRILL INSTRUCTOR BYRD,)	
)	
Defendant.)	

ORDER

WHEREAS, the plaintiff, Raymond Gauntt, Jr. ("Gauntt"), filed a civil rights action pursuant to 42 U.S.C. § 1983;

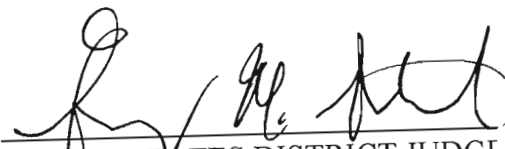
WHEREAS, on August 9, 2006, the court entered an order requiring Gauntt to complete and return a USM-285 form for the defendant Drill Instructor Byrd, and informing Gauntt that the United States Marshal would not serve the complaint until all USM-285 forms were received by the Clerk of the Court, and that failure to provide the USM-285 forms within 120 days from the date of the order may result in the complaint being dismissed or defendant(s) being dismissed pursuant to Fed. R. Civ. P. 4(m) (D.I. 3);

WHEREAS, to date, the required USM-285 form has not been received from Gauntt;

WHEREAS, the other named defendants were dismissed from the case on August 8, 2006 (D.I. 16);

THEREFORE, at Wilmington this 6th day of Feb, 2007, IT IS
HEREBY ORDERED that plaintiff's complaint is DISMISSED WITHOUT PREJUDICE
pursuant to Fed.

R. Civ. P. 4(m).


UNITED STATES DISTRICT JUDGE

